

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS**

TYRONE ZWIEGART,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3: 16-cv-01182-MJR-RJD
	)	
DAN TRAVOUS, et al.	)	
	)	
Defendants.	)	

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DAN TRAVOUS, DOUG MAUE and	)	
CLINTON COUNTY, ILLINOIS,	)	
	)	
Third-Party Plaintiffs,	)	
	)	
v.	)	
	)	
EVERIST L. DONALD,	)	
	)	
Third-Party Defendant.	)	

**DEFENDANTS' THIRD-PARTY COMPLAINT**

Defendants, Dan Travous (“Defendant Travous”), Doug Maue (“Defendant Maue”), and Clinton County, Illinois (“Defendant County”) (collectively, “Defendants”), through their attorney, Michael J. Victor, for their Third-Party Complaint against Everist L. Donald (“Donald”), state as follows:

1. On October 26, 2016, plaintiff Tyrone Zwiegart (“Plaintiff”) filed a five-count Complaint (“Complaint”) against Defendants to recover damages for alleged injuries he sustained in a June 30, 2016 motor vehicle accident. (A copy of Plaintiff’s Complaint is attached and incorporated herein this pleading as Exhibit “A”).
2. Defendant answered the Complaint and asserted various affirmative defenses.
3. Plaintiff’s Complaint alleges that on June 30, 2016, Plaintiff was a passenger in a

car with an acquaintance.

4. Plaintiff's Complaint alleges that, after Defendant Travous ran the car's plate, the plates came back expired and Defendant Travous followed the car.

5. The car eventually wrecked and Plaintiff alleges that, as a result, he was injured.

6. Defendants have denied all material allegations in the Complaint.

7. The car, a Pontiac Sunfire, was driven by Donald.

8. Donald knew that the car's plates were expired and that the plates were registered to a Lexus; and thus, Donald knew that he was violating the law.

9. After he wrecked the car, Donald was arrested.

10. Donald pled guilty to the crimes of Aggravated Fleeing or Attempting to Elude a Peace Officer, Leaving the Scene of an Accident Involving Personal Injury, and Unlawful Restraint.

11. On June 30, 2016, it was the duty of Donald to exercise ordinary care at all times to avoid placing others, including Plaintiff, in danger and to exercise ordinary care in driving the car.

12. In violation of said duty, Donald was contributorily negligent in one or more of the following ways, each of which are a proximate cause, or in the alternative, the sole proximate cause of Plaintiff's injuries and damages, if any:

- a) Drove the car at an excessive rate of speed on a residential roadway and in violation of posted speed restrictions, in violation of 625 ILCS 5/11-601;
- b) Failed to reduce speed to avoid an accident, in violation of 625 ILCS 5/11-601(a);
- c) Failed to maintain a proper lookout for other vehicles traveling on the roadway and when approaching an intersection;
- d) Failed to yield to an emergency vehicle, in violation of 625 ILCS 5/11-907;
- e) Fled and attempted to elude a peace officer, in violation of 625 ILCS 5/11-204.1

- (f) Failed to comply with the lawful order of a peace officer, in violation of 625 ILCS 5/11-203.
- (g) Failed to obey traffic control devices, in violation of 625 ILCS 5/11-305;
- (h) Drove under the influence of an intoxicating compound, in violation of 625 ILCS 5/11-501;
- i) Failed to yield the right-of-way; and
- j) Disobeyed traffic control signs, signals, and devices.

13. The foregoing acts and/or omissions on the part of Donald were a proximate cause, or in the alternative, the sole proximate cause, of the damages and injuries alleged to have been suffered by Plaintiff.

14. If Plaintiff prevails against any Defendant, then they are entitled to receive contribution, pursuant to the Joint Tortfeasors Contribution Act (740 ILCS 100/1 *et seq.*) from Donald based upon the percentage to which his fault caused Plaintiff's damages and injuries.

15 This Third-Party Complaint is brought pursuant to the Illinois Contribution Act, 740 ILCS 100/1, *et. seq.*

WHEREFORE, Dan Travous, Doug Maue, and Clinton County, Illinois prays that in the event that any judgment is entered against them and in Plaintiff's favor, that the relative degree of fault be apportioned as between Everist L. Donald that judgment be entered against him in an amount commensurate with his degree of culpability in causing Plaintiff's injuries.

**DAN TRAVOUS, DOUG MAUE AND  
CLINTON COUNTY, ILLINOIS,**

By: S/ Michael J. Victor

One of Defendants' Attorneys

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CLINTON COUNTY, ILLINOIS,	)	
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Third-Party Plaintiffs,	)	
	)	
v.	)	
	)	
EVERIST L. DONALD,	)	
	)	
Third-Party Defendant.)		

**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2016, I electronically filed Defendants/Third-Party Plaintiffs' Third-Party Complaint with the Clerk of Court using the CM/ECF system and will send notification of such filing to the following registered CM/ECF participant(s):

Morgan J. Hermanson  
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**DAN TRAVOUS, DOUG MAUE AND  
CLINTON COUNTY, ILLINOIS,**

By: s/ Michael J. Victor  
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